



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,945	08/18/2003	Kevin L. Krysiak	WTO148	4281

7590

06/30/2006

Terence P. O'Brien
Wilson Sporting Goods Co.
8700 W. Bryn Mawr Avenue
Chicago, IL 60631

EXAMINER

NGUYEN, KIEN T

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,945

Applicant(s)

KRYSIK ET AL.

Examiner

Kien T. Nguyen

Art Unit

3711

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25, 26, 31, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Brantley U.S. Patent 5,580,049.

Brantley disclosed a game ball comprising a spherical carcass (12), a one-piece cover (26) surrounding the carcass and bonded to the carcass, the cover having a thickness 0.05-0.3 mm which is less than 0.5 mm; the cover (26) is formed of a polyurethane (column 3, lines 2-9); the carcass includes a bladder (12) and at least one backing layer (18) made of woven fabric of multi-ply yarns embedded with a PVC for stability positioned over the bladder (12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-13, 16-24, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brantley.

Regarding claims 1, and 11, it is noted that Brantley utilized a backing layer and the claimed invention directed to a cover being free of a backing layer. However, it

appears that by eliminating the backing layer would reduce the overall weight of the ball. Accordingly, it would have been a matter of design choice to eliminate the backing layer of Brantley for the purpose of reducing its weight to accommodate any specific type of play environment.

Regarding claims 5-8, 16-19, and 27-30, it is noted that Brantley failed to specifically disclose the specific density of the cover material as set forth therein. However, the density of the cover material varies with the specific play environment as long as it does not compromise the playability of the ball. Furthermore, the specification of the present application does not specifically point out the significant advantage of different densities. Accordingly, it would have been a matter of design choice to provide the cover of Brantley with any of the recited densities as long as it does not compromise the playability of the ball.

Regarding the specific method of applying polyurethane as recited in claims 2, 11, and 25, such methods are very well known in the art and commonly used in the sport balls industry. Accordingly, applying the polyurethane cover to the ball of Brantley with any of the well-known method merely a common practice.

Claims 3, 4, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brantley as applied to claims 1 and 11 above, and further in view of Way U.S. Patent 2,945,693.


It is noted that the ball of Brantley failed to show a layer of thread wound around the bladder as claimed. However, such layer of thread is extremely well known in the art as evidenced by Way for the purpose of increasing the durability of the ball.

Accordingly, it would have been obvious to one of ordinary skill in the art provide the bladder of Brantley with a layer of thread for the reason as set forth above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kien T. Nguyen
Primary Examiner
Art Unit 3711

Ktn